

Report Date: November 28, 2018

United States District Court

for the

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 29 2018

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

Name of Offender: Cody Ray Flores Case Number: 0980 2:16CR00090-WFN-1

Address of Offender: Moses Lake, WA 98837

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: December 8, 2016

Original Offense: Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1) & 924(a)(2)

Original Sentence: Prison - 24 Months; Type of Supervision: Supervised Release
TSR - 36 Months

Revocation Sentence: Prison - 4 Months;
(August 2, 2018) TSR - 32 Months

Asst. U.S. Attorney: U.S. Attorneys Office Date Supervision Commenced: November 16, 2018

Defense Attorney: Federal Public Defender Date Supervision Expires: July 15, 2021

PETITIONING THE COURT**To issue a summons.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><u>Mandatory Condition # 3:</u> You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.</p> <p><u>Supporting Evidence:</u> Mr. Flores is alleged to have violated mandatory condition number 3 by using methamphetamine on or about November 17, 2018, based on urinalysis testing and his verbal admission of use. He is alleged to have used methamphetamine and heroin on or about November 25, 2018, based on his verbal admission of such use.</p> <p>On November 19, 2018, Mr. Cody Ray Flores signed his conditions relative to case number 2:16CR00090-WFN-1, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Flores was made aware by his U.S. probation officer that he was required to refrain from any use of controlled substances.</p> <p>Specifically, on November 26, 2018, the undersigned officer received notification from the director of the Spokane Residential Reentry Center (RRC), who advised the undersigned</p>

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officer they had received urinalysis testing laboratory confirmation reports from two urinalysis samples submitted by the client on November 16, 2018, and again on November 17, 2018. These reports were subsequently provided to the undersigned officer for further review. The urinalysis sample submitted by the client to facility staff on November 16, 2018, shows as being confirmed positive for Buprenorphine. It should be noted, Mr. Flores has since previously admitted to both the undersigned officer and to facility staff that he had previously ingested the prescription medication Suboxone while in custody. This urinalysis test result would be consistent with the client's reported use of Suboxone.

On November 17, 2018, the client again submitted to urinalysis testing while at the Spokane RRC, based on reasonable suspicion after staff located him in the restroom with an odor of "smoke" in the air. Staff also observed a bag with a white powdery residue in the garbage. The results of the submitted urinalysis test were confirmed as being positive for methamphetamine.

Following the aforementioned notification previously occurring on November 26, 2018, the undersigned officer then placed a call to the client on the day in question, at which time the client admitted to using methamphetamine several days ago after his arrival to the facility. It should also be noted, during his intake for post conviction supervision occurring on November 19, 2018, the client did admit to using methamphetamine, marijuana, and Suboxone occurring on November 16, 2018, stating he did so before his release from custody.

On November 27, 2018, Mr. Flores reported to the U.S. Probation Office in Spokane following his unsuccessful discharge from the Spokane RRC previously occurring on November 26, 2018. As a part of the contact, Mr. Flores did admit to using methamphetamine and heroin on or about November 25, 2018, but indicated he may have used as recently as yesterday. Mr. Flores did sign a drug use admission form documenting his use of the substances.

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Standard Condition # 13: You must follow the instructions of the probation officer related to the conditions of supervision.

Supporting Evidence: Mr. Flores is alleged to have violated standard condition number 13, by failing to report to the U.S. Probation Office in Spokane, as directed on November 26, 2018.

On November 19, 2018, Mr. Cody Ray Flores signed his conditions relative to case number 2:16CR00090-WFN-1, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Flores was made aware by his U.S. probation officer that he was required to follow all directives given by the supervising officer related to his conditions of supervision.

Specifically, on November 26, 2018, the undersigned officer received notification from the director of the Spokane Residential Reentry Center (RRC) that facility staff had evidence in their possession that the client had used methamphetamine while assigned to the facility. The contact proceeded to provide the undersigned officer with two laboratory confirmation reports appearing to substantiate that the client had in fact relapsed on methamphetamine following his arrival at the facility. Facility staff advised the undersigned officer that given

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the circumstances they would be unable to continue to house the client. The undersigned officer requested upon the client's termination that they direct the client to report immediately to the undersigned officer and they agreed to do so.

The undersigned officer then placed a phone call to the client, who admitted to using methamphetamine since his arrival at the facility. Mr. Flores, at the request of the undersigned officer, placed a phone call to the undersigned officer after being terminated from program services and was directed to report to the undersigned officer by 1 p.m. Mr. Flores asked for an additional hour, but was advised by the undersigned officer he needed to report at 1 p.m., as this allowed him 1.5 hours to report as directed. Mr. Flores stated he understood he would "try." Mr. Flores subsequently failed to report as directed on the day in question.

On November 26, 2018, at 3:30 p.m., Mr. Flores responded to text messaging and stated he wanted to see his family and he would report in the morning. Mr. Flores did report the following morning on November 27, 2018, at 8:10 a.m.

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Special Condition # 7: Defendant shall reside in a residential reentry center (RRC) for a period up to 90 days at the direction of the supervising officer. Your participation in the programs offered by the RRC is limited to employment, education, treatment, and religious services at the direction of the supervising officer. You shall abide by the rules and requirements of the facility.

Supporting Evidence: Mr. Flores is alleged to have violated special condition number 7, by being unsuccessfully discharged from the Spokane Residential Reentry Center on November 26, 2018, following his admitted use of methamphetamine after his arrival at the facility.

On November 19, 2018, Mr. Cody Ray Flores signed his conditions relative to case number 2:16CR00090-WFN-1, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Flores was made aware by his U.S. probation officer that he was required to remain at the Spokane Residential Reentry Center until approved for release by the undersigned officer, and additionally advised he must abide by all rules and requirements of the facility.

Specifically, on November 26, 2018, the undersigned officer received notification from the director of the Spokane Residential Reentry Center (RRC) that facility staff had evidence in their possession that the client had used methamphetamine while assigned to the facility. The contact proceeded to provide the undersigned officer with two laboratory confirmation reports appearing to substantiate that the client had in fact relapsed on methamphetamine following his arrival at the facility. Mr. Flores himself would later admit to the conduct in a phone call with the undersigned officer. Facility staff advised the undersigned officer that given the circumstances they would be unable to continue to house the client. Mr. Flores was effectively unsuccessfully terminated from services by the facility on the day in question.

The U.S. Probation Office respectfully recommends the Court issue a **SUMMONS** requiring the offender to appear to answer to the allegation(s) contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 28, 2018

s/Chris Heinen

Chris Heinen
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other


Signature of Judicial Officer

11/29/18
Date